

98- 1966

**WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** Executed as of the date acknowledged but effective MARCH 27, 1998

**Grantor:** MIKE BRUNER and wife, ANN R. BRUNER

**Grantor's Mailing Address (including county):**

1420 E. 8th St., Smithville, Bastrop County, Texas 78957

**Grantee:** RICHARD E. OGDEN and, S. WYNELL OGDEN, as husband and wife

**Grantee's Mailing Address (including County):**

1318 Primrose Lane, Seabrook, Texas 77586

**Consideration:**

TEN AND NO/100 DOLLARS and other good and valuable consideration and the further consideration of a note of even date that is in the principal amount of \$85,440.00 and is executed by Grantee, payable to the order of THE FIRST NATIONAL BANK OF LA GRANGE. The note is secured by a vendor's lien retained in this deed and by a deed of trust of even date, from Grantee to KENNETH ZAPALAC, Trustee.

THE FIRST NATIONAL BANK OF LA GRANGE, at Grantee's request, having paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described, the vendor's lien and superior title to the property are retained and are transferred to THE FIRST NATIONAL BANK OF LA GRANGE without recourse on Grantor.

**Property (including any improvements):**

**TRACT I:**

All that certain 27.85 acre tract of land, being a part of the Samuel Millett Survey, Abstract 70, Fayette County, Texas and also being a part of that called 196.45 acre tract conveyed to Mike Bruner and wife, Ann R. Bruner as recorded in Volume 999, Page 788, Official Records of Fayette County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

**TRACT II:**

All that certain 50.70 acre tract of land, being a part of the Samuel Millett Survey, Abstract 70, Fayette County, Texas and also being a part of that called 196.45 acre tract conveyed to Mike Bruner and wife, Ann R. Bruner as recorded in Volume 999, Page 788, Official Records of Fayette County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes pertinent.

**Reservations From and Exceptions to Conveyance and Warranty:**

1. Such presently valid and subsisting easements, if any, to which the above property is subject, as may be actually located upon the ground, which are not of record.
2. Any portion of the property herein described, if any, which falls within the boundaries of any road or roadway.
3. Right of Way Easement dated June 15, 1948, executed by John Vinklerek and Anna Stazie Vinklerek to Fayette Electric Cooperative, Inc., a corporation, recorded in Volume 233, Page 220, Deed Records of Fayette County, Texas, together with all rights incident thereto.
4. Channel Easement contained in Right of Way Deed dated April 13, 1938, executed by John Vinklerek and Stazie Vinklerek, husband and wife to County of Fayette, recorded in Volume 173, Page 172, Deed Records of Fayette County, Texas, together with all rights incident thereto.
5. Oil, Gas and Mineral Lease dated September 24, 1992, executed by E. H. Stork, Jr., Individually and as Independent Executor of the Estate of Leonita B. Stork, Deceased and Jennelle Stork Moeller to Flare Resources Inc., recorded in Volume 354, Page 855, Oil and Gas Lease Records of Fayette County, Texas, together with all rights incident thereto.
6. Mineral and/or Royalty Reservation appearing in the Deed dated October 20, 1959, executed by John Vinklerek, et ux to State of Texas, recorded in Volume 328, Page 141, Deed Records of Fayette County, Texas, together with all rights incident thereto.
7. Mineral and/or Royalty Reservation appearing in the Deed dated August 27, 1997, executed by E. H. Stork, Jr., Individually and as Independent Executor of the Estate of Leonita B. Stork, Deceased joined herein proforma by wife, Peggy J. Stork and Jennelle Stork Moeller, a single person to Mike Bruner and wife, Ann R. Bruner, recorded in Volume 999, Page 788, Official Records of Fayette County, Texas, together with all rights incident thereto.

8. Unrecorded grazing lease which expires July 30, 1998.

RESTRICTIVE COVENANTS

This property is conveyed to Grantee subject to the following land use restrictions which shall be a covenant running with the land for a period of ten (10) years from January 1, 1997. The restrictions may be renewed and extended for successive ten year periods by a majority vote of the individuals/entities owning property from the original 196.45 acres from which the herein described tract(s) is/are derived:

1. No tract may be subdivided into less than 20.00 acres and no more than one residence for each 20.00 acres.
2. The use of the land may not include the following:
  - a. raising of hogs or cattle feed lots
  - b. commercial turkey or chicken farming
  - c. junk car lots
  - d. mechanic shops or oil well service business
3. Houses and other buildings must be of new construction or may be a new doublewide manufactured home. No previously used buildings may be moved on the property. All buildings must be at least twenty-five (25) feet from any property line.
4. No outhouses or open sewage.
5. Business will be limited to only in home type businesses.
6. Land can not be used for parking junk cars, trucks, or business or unusable farming equipment.
7. If firearms are used, they may not be shot into any adjacent property.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executor, administrators,

successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

Current ad valorem taxes on the property having been prorated, the payment thereof is assumed by Grantee.

When the context requires, singular nouns and pronouns include the plural.

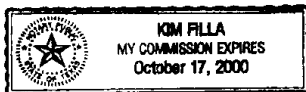
Mike Bruner  
MIKE BRUNER

Ann R. Bruner  
ANN R. BRUNER

#### ACKNOWLEDGMENT

STATE OF TEXAS           §  
                                     §  
COUNTY OF FAYETTE   §

This instrument was acknowledged before me on the 26<sup>th</sup> day of March, 1998, by MIKE BRUNER and ANN R. BRUNER.



Kim Filla  
NOTARY PUBLIC, STATE OF TEXAS

## TRACT 1:

BEING 27.85 acres of land, being a part of the Samuel Millett Survey, Abstract 70 of Payette County, Texas, and also being a part of that called 196.45 acre tract conveyed to Mike Bruner and wife, Ann R. Bruner as recorded in volume 999, page 788 of the Deed Records of Payette County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2" iron rod set in the East margin of Highway 95 for the Southeast corner of a 50.70 acre tract surveyed on this same day and for the Northeast corner hereof;

THENCE with the East margin of Highway 95 with a curve to the right having a radius of 2924.89 feet, a delta angle of 11 deg. 32 min. 14 sec. and a length of 588.96 feet to a 1/2" iron rod found and accepted as the Southwest corner of the parent tract and for the Southwest corner hereof;

THENCE with the South line of the parent tract North 89 deg. 59 min. 14 sec. East - 2,157.46 feet to a 1/2" iron rod found in the West line of a Ernest Vinklerek 200 acre tract (volume 474, page 338) and accepted for the Southeast corner of the parent tract and for the Southeast corner hereof;

THENCE with the East line of the parent tract North 01 deg. 23 min. 25 sec. West - 580.06 feet to 1/2" iron rod found and accepted for the Southeast corner of the above mentioned 50.70 acre tract and for the Northeast corner hereof;

THENCE with the South line of the 50.70 acre tract South 89 deg. 59 min. 14 sec. West - 2,046.42 feet to the PLACE OF BEGINNING, containing 27.85 acres of land.

JB  
MB

## TRACT 2:

BEING 50.70 acres of land, being a part of the Samuel Millett Survey, Abstract 70 of Fayette County, Texas, and also being a part of that called 196.45 acre tract conveyed to Mike Bruner and wife, Ann R. Bruner as recorded in volume 999, page 788 of the Deed Records of Fayette County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2" iron rod set in the East margin of Highway 95 for the Southeast corner of a 27.52 acre tract surveyed on this same day and for the Northeast corner hereof;

THENCE with the East margin of Highway 95 South 02 deg. 11 min. 52 sec. East - 781.06 feet to a 1/2" iron rod set for an angle point hereof;

THENCE with the East margin of Highway 95 with a curve to the right having a radius of 2924.89 feet, a delta angle of 05 deg. 55 min. 23 sec. and a length of 302.36 feet to a 1/2" iron rod set for the Northwest corner of a 27.85 acre tract surveyed on this same day and for the Southwest corner hereof;

THENCE across the parent tract with the North line of the above mentioned 27.85 acre tract North 89 deg. 59 min. 14 sec. East - 2,046.42 feet to a 1/2" iron rod set in the West line of a Ernest Vinklerek 200 acre tract (volume 474, page 338), also being the East line of the parent tract, for the Northeast corner of the 27.85 acre tract and for the Southeast corner hereof;

THENCE with the East line of the parent tract North 01 deg. 23 min. 25 sec. West - 1,083.00 feet to 1/2" iron rod found and accepted for the Southeast corner of the above mentioned 27.52 acre tract and for the Northeast corner hereof;

THENCE with the South line of the 27.52 acre tract South 89 deg. 59 min. 14 sec. West - 2,046.07 feet to the PLACE OF BEGINNING, containing 50.70 acres of land.

STATE OF TEXAS COUNTY OF FAYETTE  
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me, and was duly RECORDED in the Volume and Page of the Named RECORDS of Fayette County, Texas as stamped herein by me, on

MAR 27 1998



*Carolyn Kubos Roberts*  
CAROLYN KUBOS ROBERTS  
COUNTY CLERK, FAYETTE COUNTY, TEXAS

\$19.00 Pd.

Filed by + Hand To:  
Botts Title Co.

FILED

4:20 p.m.  
MAR 27 1998

*Carolyn Kubos Roberts*  
CAROLYN KUBOS ROBERTS  
CO. CLERK, FAYETTE CO., TEXAS

AB  
MB

SC